

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, et al.

Case No. C70-9213RSM

Plaintiff(s),

V.

STATE OF WASHINGTON, et al.,

## ORDER DIRECTING MEDIATION AND APPOINTING A MEDIATOR CONCERNING REGIONAL SALMON MANAGEMENT PLAN

Defendant(s)

This matter came before the Court on Motion of the United States and 18 Tribal Parties (Requesting Parties") on a request to Appoint a Mediator and Direct Mediation. Dkt. #21,401. The request was filed pursuant to Paragraph 25(b) of the *United States v. Washington* Permanent Injunction of March 22, 1974, as revised by the Order Modifying Paragraph 25 of the Permanent Injunction, *United States v. Washington*, 18 F. Supp. 3d 1172, 1213 (W.D. Wash. 2019), to request that the court order mediation and appoint a mediator concerning the development and adoption of a Regional Salmon Management Plan (RSMP). The Requesting Parties have requested that the Court appoint a mediator to assist the Parties in negotiations intended to lead to a Regional Salmon Management Plan (RSMP).

As required by Paragraph 25, a Meet and Confer was held on November 8, 2016, at the Emerald Queen Casino, 5700 Pacific Highway E., Fife, Washington 98424, prior to the filing

1 of this Request. The Court has been fully apprised of the purpose of the Meet and Confer and  
2 the nature of the instant request.

3 Having considered the Request and the remainder of the record, the Court hereby finds  
4 and ORDERS:

- 5 1. The Motion for Appointment of Mediator (Dkt. #21,401) is GRANTED.
- 6 2. This matter is referred to the Honorable Marsha J. Pechman, United States  
7 District Judge (the "Mediator"), for the purpose of conducting mediation;
- 8 3. The mediation shall be conducted pursuant to Paragraph 25, of the Permanent  
9 Injunction in this case, *United States v. Washington*, 18 F. Supp. 3d 1172, 1213  
10 (W.D. Wash. 1993), and Local Rule 39.1(C)(3)-(7), including the confidentiality  
11 provisions of Local Rule 39.1(A)(6);
- 12 4. The Mediator shall fix a time and place for an initial mediation conference and  
13 all additional sessions that are reasonable and convenient for the parties, and  
14 shall determine with the assistance of the Requesting Parties who shall  
15 participate in the mediation;
- 16 5. Once the mediation has concluded, the Mediator shall provide a status report to  
17 the Court stating when the mediation occurred and whether the case is resolved;  
18 and
- 19 6. The Clerk SHALL provide a copy of this Order to Judge Pechman.

20  
21 DATED this 24<sup>th</sup> day of February 2017.

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25 RICARDO S. MARTINEZ  
26 CHIEF UNITED STATES DISTRICT JUDGE